

**DEPARTMENT OF THE ARMY  
HEADQUARTERS JOINT READINESS TRAINING CENTER and FORT POLK  
FORT POLK, LOUISIANA 71459**

CIVILIAN PERSONNEL  
BULLETIN NO. 05-10

6 November 2009

**SCHEDULING, USE, FORFEITURE, AND/OR RESTORATION  
OF EXCESS ANNUAL LEAVE – LEAVE YEAR 2009**

1. Supervisors are reminded of the obligation to review the annual leave balances/schedules with their subordinate employees and assure that annual leave subject to forfeiture is scheduled to be taken prior to 2 **January 2010**. Despite the best of planning early in the leave year, situations develop wherein employees approach the end of the leave year with significant amounts of annual leave that must be used or forfeited. This excess “use or lose” annual leave is subject to forfeiture if it is not used prior to 2 **January 2010**. **Only excess leave scheduled and approved prior to 21 November 2009 to be taken by the end of the leave year, and subsequently cancelled, may be considered for restoration under the provisions addressed in the following paragraphs.**
2. Section three of Public Law 93-181 and Title 5, United States Code, Chapter 63, allow annual leave to be restored when it has been forfeited due to the following conditions:
  - a. Administrative error when the error caused the loss of scheduled annual leave.
  - b. Exigencies of public business when the annual leave was scheduled in advance.
  - c. Sickness of the employee when the annual leave was scheduled in advance.
3. To exercise the provisions provided by the law, forfeited annual leave can be considered for restoration only when the following requirements are met:
  - a. The leave was originally scheduled in writing and approved by the supervisor.
  - b. The leave was scheduled at least three pay periods (NLT **21 November 2009**) prior to the end of the leave year. This requirement is law and may not be waived or modified even where extenuating circumstances may exist.
  - c. Any exigency, causing the cancellation of scheduled annual leave, must be fully documented with respect to why the activity could not plan for exigency. Documentation must reflect that there was no reasonable alternative to the cancellation of the leave due to the emergency or operational demand being of such importance as to preclude the use of scheduled annual leave. Except in emergency situations, the determination that there is an exigency is a decision that is to be made in advance of the cancellation of scheduled leave. Exigencies must be approved and documented by the Garrison Commander, MEDDAC Commander, DENTAC Commander, Operations Group Commander, appropriate servicing commander, etc.

d. When the loss of annual leave is due to illness or injury, the absence must be documented by medical authorities. It should be noted that sickness for which a grant of sick leave would be approved is not in itself a basis for permitting annual leave to be forfeited and subsequently restored.

4. An exigency or sick leave occurring early in the leave year will not suffice as a reason or basis for restoration. Documentation must reflect that annual leave interrupted or cancelled due to emergencies was rescheduled for a later date and again cancelled under similar circumstances.

5. The keys to non-forfeiture are good planning; leave schedules approved, in writing, early in the leave year; and well-documented changes, thereto, as they occur.

6. For further assistance and/or information regarding the scheduling of annual leave, contact your servicing Human Resources Specialist at the Civilian Personnel Advisory Center at 531-4207/1840.

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DONALD R. MALLETT  
Director, Civilian  
Personnel Advisory Center  
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